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REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

501.37526CX1

In re Application of: K. SAKAMOTO, et al

Application No.: 10/614,134

Filed: July 8, 2003

For: VPN COMPOSING METHOD, INTERWORK ROUTER, PACKET COMMUNICATION METHOD DATA COMMUNICATION APPARATUS, AND PACKET REPLAYING APPARATUS

The owner, **HITACHI, LTD.**, (as per the Assignment recorded on Reel 010237 and Frame 0146) of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. **6,633,571** as the term of said prior patent is defined in 35 USC 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is issued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

Reg. No. 29,621


Signature

July 14, 2006
Date

Carl J. Brundage

Typed or printed name

703) 684-1120
Telephone number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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Form PTO/SB/96 may be used for making this certification. See MPEP §324.

The collection of information is required by 37 CFR 1.531. This information is required to obtain or maintain a benefit by the public which is to be filed (and by the USPTO to process) an application. Confidentiality is governed by 36 U.S.C. 127 and 37 CFR 1.11 and 1.14. This collection is submitted in two 15 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22304-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop 806, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22304-1450.

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

ATTORNEYS AT LAW

1800 DIAGONAL ROAD, SUITE 370

ALEXANDRIA, VIRGINIA 22314

JOHN R. MATTINGLY*
DANIEL J. STANGER
SHRINATH MALUR*
CARL I. BRUNDIDGE*

COLIN D. BARNITZ
GENE W. STOCKMAN
OF COUNSEL

JEFFREY M. KETCHUM
Registered Patent Agent

* Bar Membership Other Than Virginia

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FACSIMILE: (703) 884-1157

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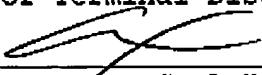
From: Mr. Carl I. Brundidge
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

Re: USSN 10/614,134
Attorney Docket No.: 501.37526CX1

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following listed documents are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

SUBMISSION OF TERMINAL DISCLAIMER WITH ATTACHED Terminal Disclaimer;
CREDIT CARD PAYMENT FORM in the amount of \$130.00 in payment of Terminal Disclaimer filing fee


Attorney Carl I. Brundidge
Reg. No. 29,621

July 14, 2006
Date

Total Number of Pages (including cover sheet): 4

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501.37526CX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: K. SAKAMOTO, et al

Serial No.: 10/614,134

Filed: July 8, 2003

For: VPN COMPOSING METHOD, INTERWORK ROUTER, PACKET
COMMUNICATION METHOD, DATA COMMUNICATION
APPARATUS, AND PACKET RELAYING APPARATUS

Group: 2662

Examiner: D. Levitan

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SUBMISSION OF TERMINAL DISCLAIMERCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 14, 2006

Sir:

Attached is a Terminal Disclaimer submitted in an effort to place this application in condition for allowance.

Accordingly, early allowance of claims 2-19 and 21-23 is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1417 (Case No. 501.36148CX2) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

Carl I. Brundidge
Registration No. 29,621
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.CIB/jdc
703/684-1120